

## REMARKS

Claims 1-4 and 6-25 are pending in the application. Claims 1-4, 6-8, 10, 12, 14-20 and 22-25 have been amended. Reconsideration of this application is respectfully requested.

The Office Action rejects claims 1-4 and 6-21 under 35 U.S.C 103(a) as unpatentable over U.S. Patent No. 6,754,885 to Dardinski et al., hereafter Dardinski, in view of U.S Patent No. 6,971,093 to Spring, hereafter Spring.

This rejection is traversed. The Examiner reads the enabling step on Dardinski's two levels of versions (first and second versions) of an object (column 59, lines 49-54, column 59, line 56 to column 60, line 31). Independent claims 1, 12, and 18 have been amended to change all occurrences of "level" to control level" to distinguish from Dardinski's version levels. For example, amended independent method claim 1 recites:

"enabling in said source control system a control level of source control from a selection of a plurality of control levels of source control, wherein said plurality of control levels comprise a first control level and a second control level that contains one or more features not contained in said first control level; and

automatically or manually setting a version number of a first object of said objects, depending on said enabled control level, wherein said first object is a control strategy loadable to said controller to provide said process control".

It is clear that the combination of the enabling and automatically or manually setting steps recite the enabling from a selection of a first control level and a second control level and the setting of a version number of a first object

depending on the enabled level. In contrast, Dardinski uses a single level of source control to number the versions.

The Examiner admits that Dardinski does not disclose the automatically or manually setting step, but contends that Spring does, citing Spring's column 9, lines 16-59. This citation describes one embodiment in which version numbering is done manually and in other embodiments is done automatically. However, Spring does not describe that manual and automatic numbering is available as a selection for enablement in a single embodiment. Moreover, Spring does not disclose in one embodiment the enabling of a manual level or an automatic level control and the setting of the version number automatically or manually depending on the enabled control level. Therefore, independent claims 1, 12 and 18 and dependent claims 2-4, 6-11, 13-17 and 19-21 are unobvious over the combination of Dardinski and Spring.

The Examiner states that there is motivation to combine Dardinski and Spring so as to correctly identify different versions of a software module as suggested by Spring, citing Spring's column 3, line 48 to column 4, line 49, as well as apply base and/or advanced levels of source control, citing column 9, lines 16-59. These citations merely state what Spring is doing and do not provide any motivation. Indeed, Spring's version control compares two objects that interface to one another. Dardinski does not contain this function. The Examiner's attempt to substitute Spring's versioning for Dardinski's versioning changes the entire operation and purpose of Dardinski. There is no motivation for one of ordinary skill in the art to make the combination proposed by the Examiner.

The Office Action suggestion to use Dardinski in combination with Spring is improperly based on the hindsight of Applicants' disclosure. Such hindsight reconstruction of the art cannot be the basis of a rejection under 35 U.S.C. 103. The prior art itself must suggest that modification or provide the reason or

motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989). "The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made." Sensonics Inc. v. Aerosonic Corp. 38 USPQ 2d 1551, 1554 (CAFC, 1996), citing Interconnect Planning Corp. v. Feil, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985).

For the reason set forth above, it is submitted that the rejection of claims 1-4 and 6-21 under 35 U.S.C. 103(a) is obviated by the amendment and should be withdrawn.

The Office Action rejects claims 22-25 under 35 U.S.C 103(a) as unpatentable over Dardinski in view of Cronce and further in view of Spring.

Independent claims 22, 24 and 25 have been amended similarly to amended independent claims 1, 12 and 18. Therefore, the above discussion of amended independent claims 1, 12 and 18 as unobvious over the combination of Dardinski and Spring is fully applicable to amended independent claims 22, 24 and 25 and dependent claim 23. Cronce, which was cited for a different reason, does not supply the deficiency of the combination of Dardinski and Spring.

For the reason set forth above, it is submitted that the rejection of amended claims 22-25 under 35 U.S.C. 103(a) is obviated by the amendment and should be withdrawn.

The Office Action rejects claims 1, 12 and 18 under 35 U.S.C 103(a) as unpatentable over Dardinski, in view of U.S. Patent No. 6,662,357 to Bowman-Amuah, hereafter Bowman-Amuah.

This rejection is traversed. As noted above, Dardinski does not disclose the combination of the enabling and automatically or manually setting steps that recite the enabling of a first control level and a second control level and the setting of a version number of a first object depending on the enabled level. In contrast, Dardinski uses a single level of source control to number the versions.

The Examiner admits that Dardinski does not disclose the automatically or manually setting step, but contends that Bowman-Amuah does, citing column 62, line 60 to column 63, line 3 and column 63, line 22 to column 64, line 10. The column 62, line 60 to column 63, line 3 citation states that version control tools control access to source code as it is developed and tested and allow multiple versions to be created, maintained or retrieved. The column 63, line 22 to column 64, line 10, merely describes that if use of version control is delayed, manual version control must be used (column 63, lines 55-60). However, this description is in response to the question: When should I set up version control? There is no description that "manual version control" is actually a part of Bowman-Amuah's system or of what the manual version control does. In response to the question of what to add to version control, Bowman-Amuah identifies stages to be added according to the development approach and "should also be automated". There is no description of what and how automation will be used and its operation. There is no description of a system that has both manual and automatic control levels, that enables one of the these control levels from a selection thereof and automatically or manually sets version numbers depending on which control level is enabled as recited in amended independent claims 1, 12 and 18. Therefore, Bowman-Amuah does not supply the deficiency of Dardinski.

For the reason set forth above, it is submitted that the rejection of claims 1, 12 and 18 under 35 U.S.C. 103(a) is obviated by the amendment and should be withdrawn.

The Office Action rejects claims 22, 24 and 25 under 35 U.S.C 103(a) as unpatentable over Dardinski in view of Crance and further in view of Bowman-Amuah.

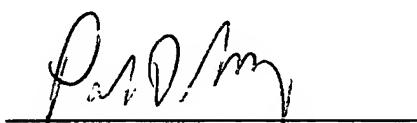
Independent claims 22, 24 and 25 have been amended similarly to amended independent claims 1, 12 and 18. Therefore, the above discussion of amended independent claims 1, 12 and 18 as unobvious over the combination of Dardinski and Bowman-Amuah is fully applicable to amended independent claims 22, 24 and 25. Crance, which was cited for a different reason, does not supply the deficiency of the combination of Dardinski and Bowman-Amuah.

For the reason set forth above, it is submitted that the rejection of amended claims 22, 24 and 25 under 35 U.S.C. 103(a) is obviated by the amendment and should be withdrawn.

It is respectfully requested for the reasons set forth above that the rejections under 35 U.S.C. 103(a) be withdrawn, that claims 1-4 and 6-25 be allowed and that this application be passed to issue.

Respectfully Submitted,

Date: 10/31/07



Paul D. Greeley  
Reg. No. 31,019  
Attorney for Applicant(s)  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10<sup>th</sup> Floor  
Stamford, CT 06901-2682  
(203) 327-4500